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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,302	06/09/2005	Tomoyuki Miyake	63567(70904)	3543
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EXAMINER				
SHEN, KEZHEN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,302

Applicant(s)

MIYAKE ET AL.

Examiner

Kezhen Shen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenji JP2002-314917.

Regarding claim 1, Kenji teaches a recording/reproducing method for a recording/reproducing apparatus which records and reproduces contents on and from a storage medium (101 of Drawing 1, [0015]), said method comprising the step of updating history information in which content information of contents stored in the storage medium is associated with user information of a plurality of users using the recording/reproducing apparatus and in which a reproducing entry indicative of whether the users have reproduced the contents is contained (Drawing 4 [0020]–[0021] and [0022]–[0025] the reproduction history is synchronized every minute and the user identification part identifies the user whom is reproducing the video/audio data), said history information being updated responsive to reproduction of the contents and in regard to the reproducing entry concerning a user who has reproduced the contents (Drawing 5, [0020] – [0021] and [0022]–[0025] reproduction history is synchronized every minute and the user who has reproduced the contents is shown in Drawing 5).

Regarding claim 2, Kenji teaches the method as set forth in claim 1, further comprising the step of displaying the user information, registered in the recording/reproducing apparatus, so as to allow for selection of users using the recording/reproducing apparatus ([0023]–[0024] the user inputs data to identifies themselves).

Regarding claim 3, Kenji teaches the method as set forth in claim 1, further comprising the steps of: registering a user of the recording/reproducing apparatus in a storage area of the recording/reproducing apparatus at or after the startup of the recording/reproducing apparatus ([0023]–[0024]), and setting, when the user has recorded contents on the storage medium, a recording entry in the history information in regard to the user registered in the user registering step, so as to indicate that the user has recorded contents on the storage medium (100 and 104 of Drawing 5, [0014]–[0015] and [0023] the contents recorded on the recording medium is identified by the video voice accumulating part and the user is identified by the user identification part), or, when the user has reproduced contents from the storage medium, updating the reproducing entry in the history information in regard to the user registered in the user registering step (102 and 104 of Drawing 5 [0024] the user identification part identifies the user and the reproduction information accumulating part synchronizes the content), the setting or update being carried out at a point in between the recording/reproducing apparatus being started up and the recording/reproducing apparatus being turned off ([0020] synchronized every minute).

Regarding claim 4, Kenji teaches the method as set forth in claim 1, further comprising the step of setting a deletion restriction entry in regard to a desired content item, the deletion restriction entry indicative of whether deletion of content is allowable or unallowable ([0041]–[0042]), and the deletion restriction entry being contained in the history information or being contained in the content information and associated with the history information ([0042] the erasure condition is based on the data erasure control section according to the reproduction history).

Regarding claim 5, Kenji teaches the method as set forth in claim 1, further comprising the steps of: creating, based on the history information, a table in which contents represented by the content information and users represented by the user information are associated with each other; and displaying the table (Drawing 5, [0025] the OSD).

Regarding claim 7, Kenji teaches a recording/reproducing apparatus for recording and reproducing contents on and from a storage medium, said recording/reproducing apparatus comprising: a user information managing section for managing user information concerning a plurality of users of the recording/reproducing apparatus (104 of Drawing 4, [0023]–[0024] user identification part) and a history information managing section for managing history information in which content information of contents recorded on the storage medium is stored (102 of Drawing 4, [0014]–[0016] and [0020]–[0021] reproduction information accumulating part which contains reproduction history), and in which a reproducing entry indicative of whether the contents have been reproduced by users is contained ([0014]–[0016] and [0023]–

[0024]), wherein the history information managing section updates the reproducing entry responsive to reproduction of the contents and in regard to a user who has reproduced the contents ([0020]–[0021] and [0023]–[0024]).

Regarding claim 8, Kenji teaches the recording/reproducing apparatus as set forth in claim 7, further comprising: a storage area, provided in the recording/reproducing apparatus, for enabling the user information managing section to register the user information (104 of Drawing 4 [0023]–[0024] user IDs are made by input from the user); and a display control section for displaying listings of users whose user information is stored in the storage area, so as to allow for user selection by users using the recording/reproducing apparatus (103 of Drawing 4, [0023]–[0026] the image display will show all the users available).

Regarding claim 9, Kenji teaches the recording/reproducing apparatus as set forth in claim 7, comprising a user setting information, wherein the history information managing section sets, when the user has recorded contents on the storage medium, a recording entry in the history information in regard to the user set in the user setting section (100 and 104 of Drawing 5, [0014]–[0015] and [0023] the contents recorded on the recording medium is identified by the video voice accumulating part and the user is identified by the user identification part), so as to indicate that the user has recorded contents on the storage medium (102 and 104 of Drawing 5 [0024] the user identification part identifies the user and the reproduction information accumulating part synchronizes the content), or the history information managing section updates ,when the user has reproduced contents from the storage medium ([0024] user identification

part identifies the user and outputs the user information to the reproduction information accumulating part), the reproducing entry in the history information in regard to the user set in the user setting section ([0024] user identification part), the setting or update being carried out at the startup of the recording/reproducing apparatus or after the startup of the recording/reproducing apparatus ([0020] synchronized every minute).

Regarding claim 10, Kenji teaches the recording/reproducing apparatus as set forth in claim 7, wherein the history information or the content information includes a deletion restriction entry indicative of whether deletion of content is allowable or unallowable ([0041]–[0042]), and the deletion restriction entry in the content information is associated with the history information ([0041]–[0042]), and wherein said history information managing section sets the deletion restriction entry in regard to a desired content item ([0041]–[0042] elimination data based on the reproduction history).

Regarding claim 11, Kenji teaches the recording/reproducing apparatus as set forth in claim 7, comprising: a table display section for creating, based on the history information, a table in which the user information managed by the user information managing section is associated with the content information of the contents recorded on the storage medium, and displaying the table (Drawing 5, [0025] the OSD).

Regarding claim 13, Kenji teaches the recording/reproducing apparatus as set forth in claim 10, wherein, when updating the reproducing entry for the user who has reproduced the content ([0020]–[0021] reproduction history is synchronized), the history information managing section sets the deletion restriction entry such that the user is allowed to delete the content ([0041]–[0042]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenji JP2002-314917, and further in view of Fukui et al. 5,918,222.

Regarding claim 6, Kenji teaches a recording/reproducing method comprising the steps of: entering and storing user information containing at least identification information specific to a user ([0023]–[0024]), the user information being entered and stored for at least one user of a recording/reproducing apparatus which records and reproduces contents on and from a storage medium ([0023]–[0024] user name and user ID), storing history information in which the user registered in the user information is associated with the contents ([0024] the user identification part outputs to the information accumulating part which synchronizes with the content data), the history information being stored for each content item recorded on the storage medium ([0020] and [0024]), receiving a reproducing request for the recorded content item from a user registered in the user information ([0024] user identification part identifies which user is accessing the content of the recording medium), and outputting information ([0025] OSD display) indicative of a relationship between (i) the identification information for specifying the user who has made the reproducing request (Drawing 5 [0017] and

[0025]), (ii) the content information (Drawing 5, [0025] voice data), and (iii) the presence or absence of information which indicates that the content has been reproduced (Drawing 5, [0025] an unreproduced part). Kenji fails to teach checking the users contained in the history information with the user who has made the reproducing request, in regard to the content for which the reproducing request was made; making, when the users accord, instructions for reproducing the content, and updating, after reproducing the content, the history information so that a combination of the content and identification information for specifying the user who has made the reproducing request includes additional information which indicates that the content has been reproduced.

However, Fukui et al. teach checking users in a user history information table (Fig. 7, Col 22 Lines 11-34), making, when the users accord, instructions for changing a schedule or demand (Col 26 Lines 23-42 user input to generate agent response and instruction), and updating, after accessing user information a demand table which indicates when a user desires to change information (Fig. 19, Col 26 Line 48 – Col 27 Line 7). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of a recording/reproducing method as taught by Kenji with the teachings of checking user history information and making instruction on a specific change in a schedule and updating this information in a demand table as taught by Fukui et al. as a whole, to check users whom have made a reproducing request and making user based instructions to update history information so the user who specified this update is indicated for the benefit of verifying user information and continually updating the user accessing information table.

Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenji JP2002-314917, and further in view of Ichimura et al. 6,034,832.

Regarding claim 12, Kenji fails to teach the recording/reproducing apparatus as set forth in claim 7, wherein the reproducing entry contained in the history information managed by the history information managing section includes an entry indicative of date and time that the content was reproduced by the user.

However, Ichimura et al. teach the obtaining the date and time of data access by the user (Col 10 Lines 17-62 the date and time of data access will need to be computed in order to compare between the restricted and non-restricted access time). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of the recording/reproducing apparatus as taught by Kenji with the teachings of obtaining the date and time of data access as taught by Ichimura et al. as a whole to record dates and times of data access by the user for the benefit of reproduction restriction for copy right purposes (Ichimura et al. Col 10 Lines 18-30)

Regarding claim 14, Kenji fails to teach the recording/reproducing apparatus as set forth in claim 10, wherein the deletion restriction entry set by the history information managing section also sets reproducing restriction for the users.

However, Ichimura et al. teach the restriction of digital media (Col 23 Lines 33-46). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of the recording/reproducing apparatus as taught by Kenji with the teachings of restriction of digital media as taught by Ichimura et al. as a whole to set

reproducing restriction for the users for the benefit of copy right restrictions (Ichimura et al. Col 23 Lines 42-46).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/
Examiner, Art Unit 2627

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627